



10 AUG 2002

PATENT
ATTORNEY DOCKET NO. 44574-5040-01-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Patrick C. KUNG <i>et al.</i>)	
)	
Application No.: 10/030,453)	Group Art Unit: Unassigned
)	
Filed: January 10, 2002)	Examiner: Unassigned
)	
For: PHYTOMICS: A GENOMIC-BASED)	
APPROACH TO HERBAL)	
COMPOSITIONS)	

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits in accordance with 37 C.F.R. § 1.97(b)(3). In the event that a first Office Action on the merits has been mailed, this Supplemental Information Disclosure Statement is also being filed not more than three months after the first citation by a foreign patent office of each item of information on the accompanying form PTO-1449 in a counterpart foreign application in accordance with 37 C.F.R. § 1.97(e)(1). Accordingly, Applicants do not believe that a fee is due for filing this paper.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

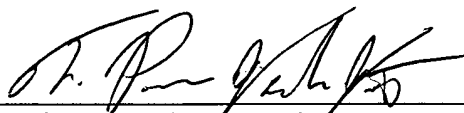
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
F. Pierre VanderVegt, Ph.D.
Reg. No. 49,088

Dated: May 14, 2002

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 739-3000
(202) 739-3001 - fax

INFORMATION DISCLOSURE CITATION				Attorney Docket No. 44574-5040-01-US		Application No. 10/030,453	
(Use several sheets if necessary)				Applicants: Patrick C. KUNG <i>et al</i>		PAGE 1 of 1	
PTO Form 1449				Filing Date: January 10, 2002		Group Art Unit: unassigned	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub Class	Translation YES NO
		WO 97 22720	June 26, 1997	PCT			
		WO 97 27317	July 31, 1997	PCT			
		WO 99 44062	Sept 2, 1999	PCT			
		WO 99 58720	Nov 18, 1999	PCT			
		WO 00 24934	May 4, 2000	PCT			
		WO 01 66803 A3	April 18, 2002	PCT			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Hay, RJ. Cell line banking and authentication. Dev. In Biol. Standardization. 1998; 93:15-19.					
		Kojima, K <i>et al</i> . Long-term administration of "Sho-Saiko-To" increases cytochrome P-450 mRNA level in mouse liver. Biol. & Pharm. Bull. 1998 April; 21(4):426-428.					
		Schena, M <i>et al</i> . Parallel human genome analysis: microarray-based expression monitoring of 1000 genes. Proc. Nat. Acad. Sci. (USA) 1996 October 1; 93:10614-10619.					
		Zeng, Y <i>et al</i> . Screening of Epstein-Barr virus early antigen expression inducers from Chinese medicinal herbs and plants. Biomed. Env. Sciences. 1994; 7(1):50-55.					
		Database Online: <www.dsmz.de/plantcell/planhist.htm> "History of the plant cell culture collection."					
		Database Online: <biobenchelper.hypermart.net/cell/cell_line_database.htm> "Cell line database."					
		International Search Report for PCT/US01/07608 MAILED Feb. 18, 2002					
Examiner				Date Considered			
Examiner:				Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			